IN THE

Supreme Court of the United States

October Term, 1963

No. 373

IN THE MATTER OF APPLICATION OF JAMES BROWN,

Petitioner,

v.

W. B. RAYFIELD, Chief of Police of City of Jackson, Mississippi.

IN THE MATTER OF APPLICATION OF LUCIAN RICHARDS,

Petitioner,

v.

W. B. RAYFIELD, Chief of Police of City of Jackson, Mississippi.

PETITION FOR WRIT OF CERTIORARI TO THE COURT OF APPEALS FOR THE FIFTH CIRCUIT

ROBERT L. CARTER,
BARBARA A. MORRIS,
20 West 40th Street,
New York 18, New York,

HUBERT T. DELANY,
270 Broadway,
New York 7, New York,

JACK GREENBERG,
DERRICK A. BELL,
10 Columbus Circle,
New York 19, N. Y.,

WILLIAM R. MING,
123 West Madison Street,
Chicago 2, Illinois,

JACK H. YOUNG,
115½ North Farish Street,
Jackson, Mississippi,

Attorneys for Petitioners.

R. JESS BROWN,
LEROY CLARK,
DAVID HABER,
CARSIE A. HALL,
FRANK D. REEVES,
of Counsel.

TABLE OF CONTENTS

	PAGE
Opinion Below	1
Jurisdiction	2
Question Presented	2
Statement	2
Facts and Proceedings Relating Specifically to This Cause	2
Background and Setting in Which This Cause Arose	6
Reasons for Allowance of the Writ	8
1. The Decisions of this Court Support the Right to be Free From and to Protest Against State Imposed Racial Discrimination and Segregation	8
2. The Extraordinary Nature of This Case Warrants Issuance of the Writ Without Requiring Petitioners to Exhaust State Remedies	14
3. This Is an Issue of Great Public Importance That Requires the Intervention of This Court	19
Conclusion	21

Table of Cases

American Optometric Assn. v. Ritholz, 101 F2d 883 (7th Cir. 1939), cert. denied, 307 U. S. 647	18
Bailey v. Patterson, 369 U. S. 31	8, 16
Baines v. City of Danville, Virginia, — F2d — (4th Cir. decided August 8, 1963)	18
Baker v. Grice, 169 U. S. 284	14
Bates v. Little Rock, 361 U. S. 516	9
Bowen v. Johnson, 306 U. S. 19	14
Boynton v. Virginia, 364 U. S. 454	8

	PAGE
Breard v. Alexandria, 341 U. S. 622	9
Bridges v. California, 314 U. S. 252	9
Browder v. Gayle, 142 F. Supp. 707 (M. D. Ala. 1956), aff'd, 352 U. S. 903	18
Brown v. Board of Education, 347 U. S. 483	8
Buchanan v. Warley, 245 U. S. 60	10
Burton v. Wilmington Parking Authority, 365 U. S. 715	8
Cantwell v. Connecticut, 310 U. S. 296	10, 13
Chaplinsky v. New Hampshire, 315 U. S. 568	9
Cooper v. Hutchinson, 184 F2d 119 (3d Cir. 1950)	18
Copeland v. State, No. 42,722, May 13, 1963	16
CORE v. C. H. Douglas, — F2d — (5th Cir. 1963)	10, 19
Cox v. New Hampshire, 312 U. S. 569	9, 11
DeJonge v. Oregon, 299 U. S. 353	10
Denton v. City of Carrollton, Georgia, 235 F2d 481 (5th Cir. 1956)	18
Douglas v. City of Jeannette, 319 U. S. 157	18
Eastern R.R. Presidents Conference v. Noer Motor Freezer, Inc., 365 U. S. 127	10
Edwards v. South Carolina, 372 U. S. 229	10
Ex Parte Green, 114 Fed. 959 (W. D. Ky. 1902)	17
Ex Parte Hawk, 321 U. S. 112	14
Ex Parte Royall, 117 U. S. 241	14
Fay v. Noia, 372 U. S. 391	14, 15
Frisbie v. Collins, 342 U. S. 519	17
Gayle v. Browder, 352 U. S. 903	8, 16
Gibson v. Florida Legislative Investigation Committee, 372 U. S. 539	9
Gomillion v. Lightfoot, 364 U. S. 339	9
Goss v. Board of Education of Knoxville, 373 U. S. 683	8
Hague v. C.I.O., 307 U. S. 496	10
Henderson v. United States, 339 U. S. 816	8

	PAGE
Herndon v. Lowry, 301 U. S. 42	10
Hughes v. Superior Court, 339 U. S. 460	11
Irvin v. Dowd, 359 U. S. 394	14
Jamison v. Alliance Ins. Co. of Philadelphia, 87 F2d 253 (7th Cir. 1937)	18
Johnson v. Virginia, 373 U. S. 61	8
Jones v. Cunningham, 371 U. S. 236	15
Keys v. Carolina Coach Co., 64 I. C. C. 769	16
Kovacs v. Cooper, 336 U. S. 77	9
Kunz v. New York, 340 U. S. 290	10
Louisiana v. N.A.A.C.P., 366 U. S. 293	6, 9, 10, 18
McLaurin v. Board of Regents, 339 U. S. 637	9
Marcus v. Search Warrant, 367 U. S. 717	12
Martin v. Struthers, 319 U. S. 141	9
Milk Wagon Drivers v. Meadow Moor Dairies, 321 U. S. 287	11
Morrison v. Davis, 252 F2d 102 (5th Cir. 1958)	18
N.A.A.C.P. v. Alabama, 357 U. S. 449	6, 9
N.A.A.C.P. v. Button, 371 U. S. 415	9
N.A.A.C.P. v. Gallion, 290 F2d 357 (5th Cir. 1961)	6
N.A.A.C.P. v. St. Louis & San Francisco Ry. Co., 297 I. C. C. 335	16
National Labor Relations Board v. Jones & Laughlin Co., 301 U. S. 1	11
Near v. Minnesota, 283 U. S. 697	10
New Negro Alliance v. Sanitary Grocery Co., 303 U. S. 552	11
Peterson v. City of Greenville, 373 U. S. 244	8
Plumbers Union v. Graham, 345 U. S. 192	11
Pugach v. Dollinger, 275 F2d 503 (2d Cir. 1960)	18
Rea v. United States, 350 U. S. 214	18
Roth v. United States, 354 U. S. 476	9
Shelley v. Kraemer, 334 U. S. 1	8
Shelton v. Tucker, 364 U. S. 479	10, 13

PAGE

Smith v. California, 361 U. S. 147 ..... 9, 10, 12
Southern California Petroleum Corp. v. Harper, 273 F2d 715 (5th Cir. 1960) 14
Speiser v. Randall, 357 U. S. 513 ..... 10, 12
Spielman Motor Sales Co. v. Dodge, 295 U. S. 89 18
Staub v. Baxley, 355 U. S. 313 11
Steele v. Louisville & Nashville R.R. Co., 323 U. S. 192 8
Stefanelli v. Minard, 342 U. S. 117 18
Strauder v. Virginia, 100 U. S. 303 8
Stromberg v. Carlson, 283 U. S. 359 10
Sweatt v. Painter, 339 U. S. 639 9

Teamsters Union v. Vogt, 354 U. S. 284 11
Thomas v. Collins, 323 U. S. 516 9
Thornhill v. Alabama, 310 U. S. 86 ..... 10, 13
Tinsley v. Anderson, 171 U. S. 101 14

United States v. Carolene Products Co., 304 U. S. 144 9
United States v. Fay, 248 F2d 520 (2d Cir. 1957) 15
Urquhart v. Brown, 205 U. S. 179 ..... 14, 15, 18

Watson v. Bush, 313 U. S. 387 18
Watson v. City of Memphis, 373 U. S. 526 ..... 8, 20
Whalen v. Frisbie, 185 F2d 607 (7th Cir. 1950) 15
Winters v. New York, 333 U. S. 507 10
Wright v. Georgia, 373 U. S. 284 13

Yick Wo v. Hopkins, 118 U. S. 536 11

IN THE

Supreme Court of the United States

October Term, 1963

No.

IN THE MATTER OF APPLICATION OF JAMES BROWN,
Petitioner,

v.

W. B. RAYFIELD, Chief of Police of City of Jackson, Mississippi.

IN THE MATTER OF APPLICATION OF LUCIAN RICHARDS,
Petitioner,

v.

W. B. RAYFIELD, Chief of Police of City of Jackson, Mississippi.

PETITION FOR WRIT OF CERTIORARI TO THE COURT OF APPEALS FOR THE FIFTH CIRCUIT

Petitioners pray that a writ of certiorari issue to review the judgment of the Court of Appeals entered on July 1, 1963.

Opinion Below

The opinion of the Court of Appeals is not yet reported. It is set out in the appendix hereto, *infra* at page 23.

Jurisdiction

The judgment of the United States Court of Appeals was entered on July 1, 1963, and is printed in the appendix hereto, *infra* at page 28. The jurisdiction of this Court is invoked pursuant to Title 28, United States Code, Section 1254(1). The Court of Appeals on July 15, 1963, recalled and stayed issuance of its July 1, 1963, judgment and mandate, to and including August 15, 1963, and pending final disposition by this Court, provided on or before August 15, 1963, a petition for writ of certiorari was filed in this Court (R. 124).

Question Presented

Whether the circumstances of this case, where persons are being subjected to deprivations of liberty, punishment, trials, appeals, costs and delays incident thereto for the attempted exercise of established and settled Fourteenth Amendment guarantees, present those extraordinary circumstances and conditions which warrant exercise of federal writ of habeas corpus without prerequisite exhaustion of state remedies?

Statement

Facts and Proceedings Relating Specifically to This Cause

On June 5, 1963, petitioners, James Brown and Lucian Richards, were arrested by the police of the City of Jackson, held in jail and charged with parading without a permit in violation of City Ordinance No. 594 (R. 1, 42). The Ordinance provides:

> That it shall be unlawful for any person, firm or corporation to have any parade, along, over or upon any street or avenue of the City of Jackson or to use by driving over or across or upon any of the streets

or avenues of the City of Jackson, Mississippi, without first obtaining a permit from the Mayor for such parade and providing further that any person, firm, corporation or association shall not use any other street or avenue than those designated.

On June 7, 1963, applications were made in the court below on behalf of each petitioner for writs of habeas corpus pursuant to Title 28, United States Code, Section 2241, on the ground that petitioners' arrests and incarceration were in clear violation of their rights and privileges under the Fourteenth Amendment to the Constitution of the United States, and that the intervention of the federal court was essential because the full power of the State of Mississippi, including city governmental officials, law enforcement officers and the judiciary, had been marshalled to maintain and enforce racial segregation, and to prohibit and cut off any public protest against the same (R. 1-3, 42-46).

By order of United States District Judge Cox, the two causes were consolidated and hearing thereon set down for June 8, 1963 (R. 20). On that date, an order to show cause was issued, returnable on June 11, 1963 (R. 5). On June 11, Judge Cox signed an order making the return date June 12, 1963 (R. 17), and requiring production of petitioners before Judge Mize at Biloxi, Mississippi (R. 17).

On June 10, respondent filed answers in each cause (R. 10-16, 51-56). He admitted petitioners' arrests and alleged that they were charged "with willfully and unlawfully participating with others in a parade upon a public street of the City of Jackson without first having obtained a permit * * *" (R. 10, 51). Respondent stated that "tension was extremely high in the City of Jackson" as a result of numerous planned law violations consisting of illegal demonstrations, and that no parade permits were being granted, and that on May 28, 1963, the local Shriners were

refused a permit to parade (R. 12-13, 53-54). Respondent contended that the writ should not issue since none of the state remedies, including securing petitioners' release on bonds of $225.00, trial in the municipal court, appeal to, or trials *de novo* in the county court, appeal to circuit court, Mississippi Supreme Court and United States Supreme Court, had been exhausted (R. 11, 14-15, 51, 55-56).

On June 12 at the hearing below, testimony was adduced showing that petitioners were adults, of Negro origin and citizens of the United States; that petitioner, James Brown, until approximately six weeks before his arrest, was a resident of New York (R. 75, 90), and that petitioner, Lucian Richards, had been a resident of St. Louis until a few days before his confinement (R. 78).[1]

At the time of their arrests, petitioners and all of their companions were wearing T-shirts with the letters "N.A.A.C.P." on the front and "Freedom Now" on the back. Each member of the group was carrying an American flag. All were neat and clean, and there was no evidence that petitioners or their companions had been conducting themselves in a loud, disorderly or boisterous manner, had ruptured the public peace and tranquility in any way, had blocked or interfered with the use of the sidewalks and streets by other persons or had been guilty of any unlawful conduct other than appear on the streets in the manner indicated (R. 81, 89, 90, 91, 94, 99).

Petitioner Brown was with a group of four, and petitioner Richards was with five other persons (R. 80). The two groups were walking independently and separated from one another. Each was headed for Capitol Street, the main downtown thoroughfare in Jackson. They were walking in tandem, each person separated from the next by about five feet. They were walking on the sidewalk next

[1] The Petitions were amended to reflect the residence of petitioners upon counsel's oral motion prior to the taking of testimony (R. 79).

to the curb. They neither incommoded nor interfered with the movement of persons or vehicles (R. 81, 90, 95). Richards' group had progressed about 1½ blocks towards the center of the city when they were stopped by the police, asked whether they had a permit to parade, and when the answer was in the negative, all were placed under arrest (R. 81). Brown's group had proceeded about a block before being arrested, without any question being raised concerning their having a permit (R. 91).

Both petitioners admitted that they and their companions had gathered together for the purpose of making a public protest in downtown Jackson against racial segregation and discrimination.

After hearing the evidence summarized above and argument, the district court denied the applications on the ground that all state remedies had not been exhausted and retained jurisdiction pending completion of all state proceedings (R. 18, 59). On June 13, 1963, Judge John Minor Wisdom granted and signed a certificate of probable cause (R. 19, 60). On June 17, 1963, the district court, on request of counsel, stayed all state proceedings pending appeal to the United States Court of Appeals (R. 36, 68).

Motion for immediate hearing was granted by Judge Richard T. Rives on June 14, 1963, and the cause set down for hearing before the Court of Appeals in Montgomery, Alabama on June 26 (R. 76). Notice of appeal, designation of record on appeal and statement of points relied upon were filed and served on June 14 (R. 2[illegible]35, 61-68). On June 15, petitioners were released on appearance bonds of $100 each (R. 104-105). On June 18 an amended designation of the record was filed (R. 37-38, 69-78). After hearing on June 26, the Court of Appeals, on July 1, 1963, filed an opinion and judgment dismissing the appeal (R. 116-123). From this opinion and judgment, petitioners bring the cause to this Court.

Background and Setting in Which This Cause Arose

On or about May 28, 1963, the National Association for the Advancement of Colored People, a national organization whose basic objective is to improve the status of Negroes in the United States by use of normal democratic processes, see *N.A.A.C.P.* v. *Alabama*, 357 U. S. 449; *Louisiana* v. *N.A.A.C.P.*, 366 U. S. 293; *N.A.A.C.P.* v. *Gallion*, 290 F2d 357 (5th Cir. 1961), its members and supporters began to conduct a campaign in peaceful protest against the policies, practices and customs in the City of Jackson of enforced racial segregation and discrimination. The protest included picketing places of public accommodation practicing discrimination, requests for service at eating establishments heretofore open only to white persons, the carrying of signs with insignia such as "Freedom Now," the wearing of T-shirts lettered "N.A.A.C.P." and "Freedom Now," and the carrying of the American flag in downtown areas of the city, praying in front of City Hall and on the steps of public buildings. The persons participating in these peaceful protests were both Negro and white. All were orderly, clean and well-mannered. They did not block sidewalks, ingress and egress of any public buildings, or interfere with movement of persons or traffic on the sidewalks or streets of the city (R. 6-9).

On May 28, three (3) persons attempted to purchase food in a Woolworth lunchroom on Capitol Street and were refused. They were attacked and harassed by white on-lookers in the store. One of the group was severely beaten. Neither the management of the store nor police took any steps to protect these persons from bodily harm, and they were arrested by the city police.

On the same day, five (5) persons who attempted to picket Penny's Department Store, carrying signs calling for the end of racial segregation in Jackson, were arrested by city police within five minutes of the time the picketing beg[illegible].

On May 29, nine (9) persons attempted to obtain service at Primos Restaurant and to picket Penny's Department Store. All were arrested by the police.

On May 31, fourteen (14) persons attempted to pray on the public steps of the United States Post Office Building. They were immediately arrested by the police, although there was no charge that they had in any way barred access to the Post Office.

On May 31, approximately three hundred and fifty (350) persons attempted to make a protest march from a church in the Negro section of the town to the downtown business district. The marchers carried signs protesting segregation. They were orderly, but within a few minutes after leaving the church they were met, halted and arrested by city police.

On June 1, 1963, three (3) persons, including Medgar Evers, now deceased, and Roy Wilkins, Executive Secretary of the N.A.A.C.P., attempted to picket Woolworth's, carrying anti-segregation signs. They were immediately arrested by city police and charged with restraint of trade.

On June 3, six (6) pickets appeared on Capitol Street carrying signs calling for desegregation and were immediately arrested by city police.

On June 4, thirty-three (33) persons attempted to picket and to hold a demonstration of prayer in front of the City Hall and were immediately arrested by city police.

On June 5, nine (9) persons, wearing shirts with the letters "NAACP" on front and "Freedom Now" on back and carrying American flags, attempted to walk on Capitol Street and were immediately arrested by city police (R. 7-8).

All of these persons were required to post cash bonds ranging from $100 to $1,000 to obtain their release (R. 8). As of the present, appeal bonds posted in county and

city courts have reached the amount of $93,500 for 350 persons charged with various violations of Mississippi law (Appendix at page 29).

On June 12, Medgar Evers was murdered by being shot to death in the back.

REASONS FOR ALLOWANCE OF THE WRIT

1. The Decisions of this Court Support the Right to be Free From and to Protest Against State Imposed Racial Discrimination and Segregation

Racial discrimination enforced, sustained or supported by any manifestation of state authority is clearly proscribed by the Fourteenth Amendment barring distinctions and classifications based upon race or color. The constitutional validity of this issue is foreclosed as a litigable question. See *Goss* v. *Board of Education of Knoxville*, 373 U. S. 683 (transfers between public schools); *Watson* v. *City of Memphis*, 373 U. S. 526 (public parks and playgrounds; *Peterson* v. *City of Greenville*, 373 U. S. 244 (trespass convictions where local segregation ordinances preempt private choice); *Johnson* v. *Virginia*, 373 U. S. 61 (seating in courtrooms); *Burton* v. *Wilmington Parking Authority*, 365 U. S. 715 (restaurants in public buildings); *Boynton* v. *Virginia*, 364 U. S. 454 (bus terminals serving passengers in interstate commerce); *Henderson* v. *United States*, 339 U. S. 816 (dining cars on interstate railroads); *Bailey* v. *Patterson*, 369 U. S. 31 (facilities in interstate commerce); *Gayle* v. *Browder*, 352 U. S. 903 (facilities in intrastate commerce); *Strauder* v. *Virginia*, 100 U. S. 303 (discrimination in jury selection); *Shelley* v. *Kraemer*, 334 U. S. 1 (state enforcement of restrictive covenants); *Steele* v. *Louisville & Nashville R.R. Co.*, 323 U. S. 192 (discrimination practiced by statutory collective bargaining agent designated pursuant to federal statute); *Brown* v. *Board of Education*, 347 U. S. 483 (public

schools); *Sweatt* v. *Painter*, 339 U. S. 639 (professional schools); *McLaurin* v. *Board of Regents*, 339 U. S. 637 (graduate schools); *Gomillion* v. *Lightfoot*, 364 U. S. 339 (geographical redistricting).

Equally settled is the primacy in our society accorded the unfettered exercise of rights of freedom of speech and association. See *United States* v. *Carolene Products Co.*, 304 U. S. 144, 152, note 4; *Kovacs* v. *Cooper*, 336 U. S. 77, 95. Included in this constitutionally privileged area, in recognition of the enhancement of effective advocacy by group association, is the advancement of beliefs and ideas through group activity. See *N.A.A.C.P.* v. *Alabama*, 357 U. S. 449; *Bates* v. *Little Rock*, 361 U. S. 516; *Louisiana* v. *N.A.A.C.P.*, 366 U. S. 293; *N.A.A.C.P.* v. *Button*, 371 U. S. 415; *Gibson* v. *Florida Legislative Investigation Committee*, 372 U. S. 539. State prohibition of the exercise of these freedoms will be sustained only upon a showing of a clear and present danger, *Bridges* v. *California*, 314 U. S. 252, and regulations incidentally limiting the unfettered exercise of freedom of speech and association are permissible only where justified by a subordinating societal interest of compelling importance. See *Roth* v. *United States*, 354 U. S. 476; *Smith* v. *California*, 361 U. S. 147; *Cox* v. *New Hampshire*, 312 U. S. 569; *Chaplinsky* v. *New Hampshire*, 315 U. S. 568; *Breard* v. *Alexandria*, 341 U. S. 622. Valid intrusion upon these rights requires that the regulations imposed bear a reasonable relationship to the objective to be achieved. See *N.A.A.C.P.* v. *Alabama*, *supra*; *Gibson* v. *Florida Legislative Investigation Committee*, *supra*.

Free trade in ideas means freedom of opportunity to persuade to action, not merely to describe facts. *Thomas* v. *Collins*, 323 U. S. 516, 537. Thus protected are lawful activities designed to further one's views, *N.A.A.C.P.* v. *Button*, *supra*; the dissemination of handbills, *Martin* v. *Struthers*, 319 U. S. 141; solicitation of political allies, *Hern-*

don v. *Lowry*, 301 U. S. 42; proselytism, *Cantwell* v. *Connecticut*, 310 U. S. 296; silent display of political convictions, *Stromberg* v. *Carlson*, 283 U. S. 359; peaceful picketing, *Thornhill* v. *Alabama*, 310 U. S. 86; protection against prior censorship, *Near* v. *Minnesota*, 283 U. S. 697; petition of state legislature for redress of grievances concerning enforced racial discrimination, *Edwards* v. *South Carolina*, 372 U. S. 229; and solicitation of governmental action. Cf. *Eastern R. R. Presidents Conference* v. *Noer Motor Freezer, Inc.*, 365 U. S. 127, 138.

Broad prophylactic rules in the area of free expression are suspect. See *Near* v. *Minnesota*, *supra*; *Shelton* v. *Tucker*, 364 U. S. 479; *Louisiana* v. *N.A.A.C.P.*, 366 U. S. 293; *Speiser* v. *Randall*, 357 U. S. 513; *Kunz* v. *New York*, 340 U. S. 290; *DeJonge* v. *Oregon*, 299 U. S. 353. And where permitted and prohibited conduct is ambiguously defined, the statute is presumed to encroach unlawfully upon constitutionally protected activities. In sum, standards of permissible vagueness are strict where freedom of speech and association rights are involved. See *Smith* v. *California*, *supra*; *Winters* v. *New York*, 333 U. S. 507, 509-510, 517-518; *Thornhill* v. *Alabama*, *supra*, at pages 97-98. Freedom of speech includes the right to advocate unpopular views. *Cantwell* v. *Connecticut*, 310 U. S. 296; *Hague* v. *C.I.O.*, 307 U. S. 496; *Edwards* v. *South Carolina*, *supra*; *CORE* v. *C. H. Douglas*, — F2d — (5th Cir. 1963).

The protest demonstrations which took place were peaceful and what was being espoused was clearly lawful. *Edwards* v. *South Carolina*, *supra*, and cannot be suppressed under the guise of maintaining public peace. See *Buchanan* v. *Warley*, 245 U. S. 60; *Cantwell* v. *Connecticut*, 310 U. S. 296.

Picketing, being more than speech, may, under certain circumstances, be subject to restraints not usually imposed upon the exercise of freedom of expression. Here, however, the picketing was not connected with violence, see *Milk*

Wagon Drivers v. *Meadow Moor Dairies*, 321 U. S. 287; *Plumbers Union* v. *Graham*, 345 U. S. 192; nor was it undertaken to achieve goals contrary to a valid state policy. *Hughes* v. *Superior Court*, 339 U. S. 460; *Teamsters Union* v. *Vogt*, 354 U. S. 284. What is involved was a lawful attempt to vindicate a valid social goal. Cf. *New Negro Alliance* v. *Sanitary Grocery Co.*, 303 U. S. 552.

In viewing the facts in this case, one must remember what is at stake. A group of citizens joined together to evidence public dissatisfaction with and opposition to racial discrimination. They did not control any of the great modern communications media, such as newspapers, radio or television stations, or public office. But they could carry placards, wear symbolic clothing and walk upon the streets of Jackson evidencing their revolt against racial deprivations. The power to control or regulate the orderly use of the streets by local police authorities cannot be misused to deprive persons of fundamental liberty. See *Yick Wo* v. *Hopkins*, 118 U. S. 536; Cf. *Cox* v. *New Hampshire*, 312 U. S. 569, and see *Staub* v. *Baxley*, 355 U. S. 313.

The right of members of various unions to protest in concert stems from the similarity of their positions and from the mutuality of their desire to improve their condition by persuading an employer to institute fair and more profitable measures. See *National Labor Relations Board* v. *Jones & Laughlin Co.*, 301 U. S. 1. In essence, it is the effect of the employer's practices upon the entire complex labor structure that gives rise to the necessity of concerted action. Similarly, the practice of discrimination against Negroes by proprietors of public accommodations, by the state government's denial of access to public facilities and its encouragement of segregation in employment and housing, affects every Negro in that community and, in reality, every Negro in the country. Unlike a labor union, no choice is afforded the Negro who is a lifetime member of

his minority group. All that sustains the right of concerted protest by unions is doubly true for Negroes as a group. Implicit in the right of the Negro to seek equality by lawful means is the right to join together with others to further and foster his claim to full-fledged citizenship in every aspect of American life.

Petitioners are charged with parading without a permit in violation of City Ordinance No. 594. Petitioners were members of two independent groups walking single file along the public streets of Jackson. One group consisted of six persons, and the other five. They were not in physical proximity. There was no showing of any interference with public use of the streets. Petitioners were carrying American flags and wore shirts reflecting "Freedom Now." The wearing of such apparel on public streets is clearly a form of expression, protected against state intrusion.

Of course, the state may regulate the use of its streets for purposes of a parade. That term is defined in the Webster's Dictionary as:

> A pompous show; the ceremonial formation of a body of troops; the area upon which troops regularly assemble in such formation; any march or procession; especially a formal public procession.

It is also defined as a verb: "To exhibit in a showy manner; to cause to march ceremoniously."

Ordinances subject to sweeping and improper application in the area of free expression are proscribed by the Fourteenth Amendment. Cf. *Marcus* v. *Search Warrant*, 367 U. S. 717, 733. The threatened use of such ordinances deters the exercise of First Amendment rights and is therefore as objectionable as application itself. See *Smith* v. *California*, *supra*, at pages 151-154; *Speiser* v. *Randall*, *supra*, at page 526. The Jackson ordinance does not expressly proscribe the activities for which petitioners were

arrested, hence their arrests were unlawful. Conversely, if the ordinance does forbid petitioners' activities, it is fatally defective on grounds of vagueness. See *Wright* v. *Georgia*, 373 U. S. 284.

No state may, without more, prohibit and make criminal persons walking in tandem in groups of five and six on the city's sidewalks. Application of the ordinance in question by the police in so broad and imprecise a manner, as to condemn lawful as well as unlawful activity, renders that ordinance invalid. See *Thornhill* v. *Alabama*, *supra*; *Cantwell* v. *Connecticut*, *supra*; *Shelton* v. *Tucker*, 364 U. S. 479.

The state's purpose is to arrest petitioners and the other peaceful demonstrators, to require them to engage attorneys and stand trial in the Municipal Court, appeal to the County Court, Circuit Court, State Supreme Court and ultimately to this Court for doing something they have every right to do. Throughout this period, to remain free, petitioners must post bond which increases at each level of appeal. This is flagrant misuse of state process to frustrate exercise of basic rights, a scheme which must not be allowed to succeed. It seems clear that petitioners cannot be legally placed in state custody and deprived of their freedom or required to go through lengthy state procedures, including a petition to this Court, to vindicate their rights, merely because they walked on the streets of Jackson.

2. The Extraordinary Nature of This Case Warrants Issuance of the Writ Without Requiring Petitioners to Exhaust State Remedies

Initially, petitioners must meet the apparent restrictions to their applications set forth in Title 28, United States Code, Section 2254 and the underlying philosophy codified in Title 28, United States Code, Section 2283, against federal interruption of state criminal prosecutions.

A. While the federal courts do not issue writs of habeas corpus where an applicant is in state custody until all available remedies provided in the state court have been exhausted, in rare instances where exceptional circumstances of peculiar urgency are shown to exist, the writ will issue. See *Ex Parte Hawk*, 321 U. S. 112; *Irvin* v. *Dowd*, 359 U. S. 394, 405; *Tinsley* v. *Anderson*, 171 U. S. 101, 104, 105; *Southern California Petroleum Corporation* v. *Harper*, 273 F2d 715 (5th Cir. 1960). In following the practice of refusing to interfere while state proceedings are pending or available, federal courts apply a doctrine of abstention based, not upon an absence of jurisdiction to grant relief, but upon the exercise of sound discretion, *Bowen* v. *Johnson*, 306 U. S. 19, 27, stemming from considerations of comity deemed necessary to the preservation of the delicate balance of the federal-state relationship. See *Urquhart* v. *Brown*, 205 U. S. 179; *Ex Parte Royall*, 117 U. S. 241; *Baker* v. *Grice*, 169 U. S. 284; *Fay* v. *Noia*, 372 U. S. 391. Title 28, United States Code, Section 2254, is merely a codification of this long established practice of the courts of the United States. Abstention based upon discretion is no mere sterile dogma to be utilized without regard to the facts and situations before the court. There is power to act and such power may be used to grant relief in an appropriate case. See *Urquhart* v. *Brown*, *supra*.

Federal habeas corpus procedure is available upon the failure of a state to provide process whereby a prisoner can obtain redress for constitutional defects in his restraint or conviction, or while providing such process, effects an

arbitrary preclusion from its use. *United States* v. *Fay*, 248 F2d 520 (2d Cir. 1957). Similarly, release by reason of a federally issued writ of habeas corpus is equally available where recourse to state process would be futile and useless. In such circumstances, no real state remedy exists. See *Whalen* v. *Frisbie*, 185 F2d 607 (7th Cir. 1950).

The great writ of habeas corpus has always been available as prompt and efficacious remedy for whatever society deems to be an intolerable restraint. Under our system the theory has been that governmental officials must be accountable for a man's imprisonment and if custody is without conformity to basic law, immediate release is mandatory. See *Fay* v. *Noia*, *supra*. In order to preserve in our system the basic purposes of the Great Writ, courts have departed from the doctrine of abstention where exceptional circumstances of great urgency warrant exercise of the power of the United States to protect federally secured rights. See *Urquhart* v. *Brown*, *supra*. The question presented in this petition, therefore, is whether this case reveals those unusual circumstances and conditions which warrant a departure from usual procedure and require this Court to grant petitioners' application for writ of habeas corpus. The fact that petitioners were released on bail does not affect their right to the writ herein sought. *Jones* v. *Cunningham*, 371 U. S. 236.

A presumption that state officials will enforce the Constitution is controlling. But where a particular state is embarked upon an opposite course of flagrant denial of federally secured rights, such presumption is destroyed. This Court knows and, it is respectfully submitted, should take judicial notice of the fact that the State of Mississippi is openly and officially engaged in conduct designed to frustrate and defeat rights in the area of race relations declared by this Court to be inviolate.

B. The action taken by city authorities follows the pattern applied in the so-called "Freedom Rides." In that situation persons sought to use unsegregated travel facili-

ties in interstate and intrastate commerce in Mississippi. *Gayle* v. *Browder, supra,* decided in 1956, and *N.A.A.C.P.* v. *St. Louis & San Francisco Ry. Co.*, 297 I. C. C. 335, decided in 1955, and *Keys* v. *Carolina Coach Co.*, 64 I. C. C. 769, decided in 1955, had clearly established the freedom of persons to travel without discrimination based upon race in interstate and intrastate commerce. And see *Bailey* v. *Patterson, supra.* Despite the unquestioned guarantees of the federal Constitution, those persons, who sought free access to travel accommodations in Mississippi, were charged with violations of state law, subjected to heavy fines, penalties and inconveniences, forced to stand trial, post bond and appeal their cases through the state courts. Approximately 300 persons were arrested in Jackson at the railroad depot, at the airport and at bus stations; 280 were individually tried and convicted in Municipal Court; individual trials *de novo* were held in the County Court. All were convicted except 55 who entered please of *nolle contendere*; 4 were acquitted; 2 served sentences imposed by the lower court. Sentences were usually 4 months in jail and $200 fine. Appeals were filed individually in the Circuit Court and 67 briefs have been submitted thus far.

When the first of these cases reached the Mississippi Supreme Court, a motion was filed to hold the balance in the Circuit Court pending action by the Supreme Court of Mississippi, and then to hear all cases on a consolidated basis. That motion was overruled. See *John Lee Copeland* v. *State*, No. 42,722, May 13, 1963.

In the Circuit Court, a separate brief is required for each appellant, and one day is set aside for oral argument of each case. Convictions have been affirmed in each of the 20 cases thus far heard. Appeal bonds are $500 cash for each person, and the N.A.A.C.P. Legal Defense and Educational Fund, Inc. has posted $65,000 in bonds and incurred at least $20,000 in legal expenses thus far. Ultimately, this Court is going to reverse all these convictions summarily—see *Bailey* v. *Patterson, supra*—but in the

meantime Mississippi is allowed to subject persons to pains and penalties which the federal Constitution proscribes.

C. The instant case is on all fours with *Ex Parte Green*, 114 Fed. 959 (W. D. Ky. 1902), where the court issued the writ, even though available state remedies had not been pursued. There petitioner was tried and convicted in a police court and fined,[1] pursuant to an ordinance taxing persons travelling from residence to residence, soliciting orders or selling directly. The facts disclosed that petitioner worked for a company in Ohio. Petitioner himself never delivered any purchase directly. He merely received orders and notified his office in Ohio, where the orders were filled. Petitioner refused to pay the tax, was tried in a police court in Kentucky and fined $10.00. In granting the writ of habeas corpus, the court based relief largely upon the fact that prior decisions of this Court left no doubt that the tax was unlawful and that petitioner's imprisonment could not be upheld. These facts, together with the resultant injustice and hardship, were found to be altogether disproportionate to the offense involved. The court said, at page 961, that to require petitioner to process an appeal would ordinarily be correct, but where "constitutional law governing the writ has been so conclusively adjudicated and determined by the highest Court and where the injustice and hardship pending a perfectly unavailing and useless retrial in a state court of the law questions involved, with petitioner being in jail for a time or subjected to other practical inconvenience and expenses," made necessary granting of relief prayed for.

In *Frisbie v. Collins*, 342 U. S. 519, this Court said, at pages 521; 522, that the writ should be denied if state corrective process was available, but that this rule was not rigid or inflexible and that deviations therefrom should be made in special circumstances. Whether such circumstances exist, call for a factual appraisal by the court in each special situation.

In *Urquhart* v. *Brown, supra*, this Court held that the exceptional case in which the federal court might appropriately interfere with the state process by habeas corpus in advance of final action by authorities of the state were those of great urgency.

D. The rationale of *Stefanelli* v. *Minard*, 342 U. S. 117, and *Douglas* v. *City of Jeannette*, 319 U. S. 157, is inapposite. In neither case was irreparable injury involved justifying the intervention of the federal court, and neither case stands for the proposition that federal interference is not permissible under some circumstances. Such injunctions are not granted as a matter of course, *Watson* v. *Bush*, 313 U. S. 387, 400, but where exceptional circumstances exist and a showing of necessity is made for the adequate protection of basic constitutional rights, the courts have enjoined state proceedings. *Spielman Motor Sales Co.* v. *Dodge*, 295 U. S. 89, 95; *Baines* v. *City of Danville, Virginia*, — F2d — (4th Cir. decided August 8, 1963). See in accord: *Rea* v. *United States*, 350 U. S. 214; *Pugach* v. *Dollinger*, 275 F2d 503 (2d Cir. 1960); *Denton* v. *City of Carrollton, Georgia*, 235 F2d 481 (5th Cir. 1956); *Cooper* v. *Hutchinson*, 184 F2d 119 (3d Cir. 1950); *Jamison* v. *Alliance Ins. Co. of Philadelphia*, 87 F2d 253 (7th Cir. 1937); *American Optometric Assn.* v. *Ritholz*, 101 F2d 883 (7th Cir. 1939), cert. denied, 307 U. S. 647; *N.A.A.C.P.* v. *Louisiana*, 181 F. Supp. 37 (E. D. La. 1960), aff'd, 366 U. S. 293; *Morrison* v. *Davis*, 252 F2d 102, 103 (5th Cir. 1958), and in *Browder* v. *Gayle*, 142 F. Supp. 707 (M. D. Ala. 1956), aff'd, 352 U. S. 903.

Under all the circumstances outlined above, considerations of comity or concern about the delicate balance of our state-federal relationship would appear to be misplaced. Indeed, comity requires recognition by the states of the supremacy of federal authority. Where that recognition is refused, application of considerations of comity whereby

exercise of federal power to insure the unfettered exercise of federal rights is withheld is acquiescence in a flagrant denial and frustration of federal policy.

3. This Is an Issue of Great Public Importance That Requires the Intervention of This Court

Public confidence in the rule of law cannot be preserved, where a state is free to deny unquestioned rights, to subject persons to damage, injury and great inconvenience merely because they seek to exercise rights guaranteed to all persons within the confines of the United States.

This situation is more serious than the Freedom Rides. For here the arrests, the fines and subjection to penalties not only violate petitioners' rights of freedom of speech and assembly in the first instance, but is intended and does constitute a prior restraint on the exercise of these rights. See *Congress of Racial Equality* v. *C. H. Douglas*, *supra*.

Here, over 600 persons have been arrested. Appeal bonds in the sum of approximately $100,000 have been posted already. The cases are only at the County Court level. There they must be tried *de novo*. Additional and higher appeal bonds will be required to perfect appeals to the Circuit Court. Then, after hearing in the Circuit Courts, additional and higher appeal bonds are required to appeal to the Supreme Court of Mississippi. If the pattern adopted in the Freedom Rides is followed, as it has been thus far, each of these cases and appeals must be argued separately and individual briefs filed in each case at each level. Before this procedure is finished, expenditures of $500,000 may be required in the appellate courts of Mississippi. While this is staggering enough, there is also the needless waste of funds for lawyers' fees and time and personnel in defending and vindicating rights

which everyone knows are clearly established. The great vice of this process is its effective and intolerable frustration of the attempted exercise of basic citizenship rights by Negro citizens in Jackson. The political climate is such in Mississippi that it is pure fantasy to anticipate that the state courts will settle these appeals in accord with the Fourteenth Amendment's mandate. This is clearly a studied effort to discourage assertion in Mississippi of basic freedoms secured under the fundamental law. Moreover, denial of this petition will aid in Mississippi's program of resistance to the law of the land and in the use of dilatory tactics condemned in *Watson* v. *City of Memphis*, *supra*. Certainly, the national interest would seem to require that the federal courts step in, to secure the enforcement of federal guarantees and to insure the supremacy of federal law. One of the fundamental uses of the Great Writ is to enable courts to meet intolerable interferences with individual freedom of the sort practiced here.

Negroes are peacefully asserting, through demonstrations, like those attempted here, their determination to exercise equal citizenship rights. Pent-up frustrations are being expended in peaceful protest, with the optimistic hope and expectation that this protest will inspire the American conscience to conform the reality of discrimination to the principle of equality and justice. No state should be permitted to use state process to frustrate and defeat basic citizenship rights. And where, as here, it is clear that this is precisely what is taking place, federal habeas corpus should lie.

CONCLUSION

Wherefore, for the reasons hereinabove stated, it is respectfully submitted, the exceptional nature of the circumstances herein described warrant granting the writ of habeas corpus applied for below and the granting of this petition.

ROBERT L. CARTER,
BARBARA A. MORRIS,
20 West 40th Street,
New York 18, New York,

HUBERT T. DELANY,
270 Broadway,
New York 7, New York,

JACK GREENBERG,
DERRICK A. BELL,
10 Columbus Circle,
New York 19, N. Y.,

WILLIAM R. MING,
123 West Madison Street,
Chicago 2, Illinois,

JACK H. YOUNG,
115½ North Farish Street,
Jackson, Mississippi,
Attorneys for Petitioners.

R. JESS BROWN,
LEROY CLARK,
DAVID HABER,
CARSIE A. HALL,
FRANK D. REEVES,
of Counsel.

APPENDIX

Opinion of the United States Court of Appeals for the Fifth Circuit

(July 1, 1963)

Before:

TUTTLE, *Chief Judge*, RIVES and GEWIN, *Circuit Judges*.

TUTTLE, *Chief Judge*:

These are two appeals, consolidated for the purpose of the hearing in this Court, from a denial by the United States District Court for the Southern District of Mississippi of the applications by the two appellants for writs of habeas corpus seeking their release from the municipal jail of the city of Jackson, Mississippi. Appellants contend that they were arrested and imprisoned illegally by the respondent, having been charged with a violation of a city ordinance (No. 594) of the city of Jackson, Mississippi, which prohibits parading without a permit. They allege that they, together with four other individuals, were arrested while walking in tandem on Capitol Street in Jackson, Mississippi, in an orderly fashion carrying a replica of the flag of the United States of America and displaying a sign protesting racial segregation in the city of Jackson, Mississippi. They allege that the arrest and confinement under such circumstances violate their rights and privileges secured to them by the First and Fourteenth Amendments of the Constitution of the United States.

Appellants concede that they have not exhausted their State remedies, either by appeal or by filing a petition for a writ of habeas corpus in the state courts of the state of Mississippi. They contend that they fall within the

exception of Section 2254, 28 U. S. C. A.,[1] since they contend circumstances exist "rendering such process ineffective to protect" their rights. These circumstances are described by petitioners in the following language:

> "Petitioner avers that all public officials of the State of Mississippi are committed to a policy of segregation by state law as is shown by laws enacted by the Legislature of the State of Mississippi in 1956 (Sections 4065.3, 2046.5(1), 2056(7), 2087.7 and 2087.5 of the Mississippi Code of 1942 and the amendments thereto); That members of the various state Courts, all of whom are elected, give tacit if not open approval and support to the segregation statutes in their election campaigns and that this segregation policy is reflected in the opinions and decisions of the State Courts; And that, therefore, any attempt to make use of the State remedies for relief necessarily would be futile and could only serve to delay, if not negate, the relief to which petitioner is entitled. Your petitioner is advised by his counsel that similar cases resulting from the arrest, confinement and conviction of so called 'Freedom Riders' in June, 1961, have not yet been disposed of by the Supreme Court of Mississippi

---

[1] "§ 2254. State custody; remedies in State Courts.

An application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that the applicant has exhausted the remedies available in the courts of the State, or that there is either an absence of available State corrective process or the existence of circumstances rendering such process ineffective to protect the rights of the prisoner.

An applicant shall not be deemed to have exhausted the remedies available in the courts of the State, within the meaning of this section, if he has the right under the law of the State to raise, by any available procedure, the question presented." 28 U. S. C. A. § 2254.

> as of this date. To require petitioner to seek redress in the state courts prior to this Court's assuming jurisdiction of this cause is to deny petitioner the relief afforded by a habeas corpus proceedings, and to relegate him to process which is ineffective to protect his rights. The arrest and confinement of petitioner is patently unconstitutional; continuance of that confinement is in arrogant disregard of the laws of the United States."

Respondent attacks the application in the court below and here as well on the ground that the statute clearly applies to such cases as are here present and that this Court cannot assume the correctness of the statement referred to to the effect that the courts of the state of Mississippi will not carry out their duty with respect to granting appellants their full constitutional rights. The State has also moved to dismiss these appeals on the ground that appellants have now obtained their release from jail by posting bond.

We dealt with just such a case as that presented here by an unpublished opinion in *In Re Application of Elizabeth P. Wykoff*, 6 Race Relations Law Reporter, 793. There, the applicant sought from this Court permission to proceed on the original record from the trial court and an acceleration of her appeal for an immediate hearing in an effort to have a reversal of the denial by the District Court for the Southern District of Mississippi of its denial of her petition for habeas corpus. She there asserted that because of the short term of her detention and "the clear violation by respondent of the Constitution and laws of the United States, the requirement that she must first exhaust her state remedies would, in effect, deny the right of habeas corpus, in a situation where it was the sole effective remedy with which to safeguard her statutory and constitutional rights and liberties." We there stated:

> "It nowhere appears in the petition that the petitioner has attempted to exhaust remedies available to her in the courts of the state of Mississippi, or that there is either an absence of available state remedies or that other circumstances exist which render such state remedies ineffective to protect the rights of the prisoner."

After pointing to the language of the Federal Statute cited in footnote 1 above, we then said:

> "It not appearing from anything asserted in the petition in this case that petitioner sought to appeal her conviction, which she alleges to have been void and unconstitutional, or that she is financially unable to make bond pending such appeal, and it not appearing that petitioner has no right to test her detention by habeas corpus in the state courts of Mississippi, there appears to be no sound reason for this Court to grant petitioner's motion for expediting the hearing in this Court."

Following this action by this Court, an application was made to Mr. Justice Black and Mr. Justice Clark, acting jointly as members of the United States Supreme Court, for the grant of the petition for habeas corpus. In denying said application the Justices stated:

> "This petition for habeas corpus is denied because the factual allegations fall far short of showing that there are not Mississippi state processes available by appeal or otherwise for petitioner to challenge her state conviction, which processes would effectively protect her constitutional rights, particularly since any denial of such rights by the highest court of a state can be remedied by appropriate appellate proceedings in the Supreme Court of the United States. See 28 U. S. Code Section 2241, 2254 and 1257." 6 R. R. L. R. 794.

While it is asserted here that the great number of similar convictions to that of Dr. Wykoff resulting from the so-called "Freedom Rides" of 1962, and the great mass of arrests in the period covering the time in which these two appellants were arrested, so load the Mississippi State Courts as to create delay in the final adjudication of the rights of petitioners, especially since they have been able to make bond and are now at liberty on bond pending appeal, we are unable to say that the circumstances are sufficiently different from those that were present at the time of the Wykoff proceedings to justify our finding that they come within the exception stated in Section 2254.

We conclude, therefore, that the appeals must be dismissed for a failure to present a substantial ground for reversing the decision of the trial court. It is, therefore, not necessary for us to pass on the question whether the release of the appellants on bond pending their appeal to this Court causes their application for a writ of habeas corpus to become moot, but see *Johnson* v. *Hoy, Marshal*, 227 U. S. 245, together with the recently decided case of *Jones* v. *Cunningham*, — U. S. — 31 L. W. 4137, dealing with the right of a petitioner to pursue his application for habeas corpus while on parole.

The appeals are DISMISSED. The mandate is to be sent down forthwith.

Judgment of the United States Court of Appeals for the Fifth Circuit

(July 15, 1963)

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

Before:

TUTTLE, *Chief Judge*, RIVES and GEWIN, *Circuit Judges*.

ON CONSIDERATION OF THE MOTION of Appellants for recall and stay of judgment issued as mandate in the above numbered and entitled cause, to enable Appellants to apply for and to obtain a writ of certiorari from the Supreme Court of the United States.

IT IS ORDERED that the judgment issued as mandate to the Clerk of the United States District Court at Jackson, Mississippi, on July 1, 1963, be recalled and stayed to and including August 15, 1963, the stay to continue in force until the final disposition of the case by the Supreme Court, provided that within said period there shall be filed with the Clerk of this Court the certificate of the Clerk of the Supreme Court that certiorari petition and record have been filed.

IT IS FURTHER ORDERED that the Clerk shall issue the judgment as mandate upon the filing of a copy of an order of the Supreme Court denying the writ, or upon the expiration of the above period unless the above mentioned certificate shall be filed with the Clerk of this Court within that time.

Appeal Bonds Posted in County Court

Applewhite, Shirley Lee	$	500.00
Bass, Robert Earl		500.00
Bass, Robert Earl		500.00
Blunt, Mark Hanna		500.00
Bracey, Doris Ruth		500.00
Bradley, Wayne		500.00
Butler, Johnnie		500.00
Catchings, Bennie Lee		500.00
Clark, Lee Andrew		500.00
Cooper, Louis		500.00
Dennis, Mattie B.		500.00
Erskine, Doris Annette		500.00
Erskine, Doris Annette		500.00
Frazier, Dorrice		500.00
Hartfield, Jessie		500.00
Hillegas, Jan Eda		500.00
Hough, Mattie Lee		500.00
Howard, Phillip		500.00
Hutchinson, William P.		500.00
Jackson, Mattie Mae		500.00
Jasper, Billie		500.00
Johnson, Aletha Burnside		500.00
Johnson, DeQuincy		500.00
Johnson, Ervin		500.00
Jones, Charles Andre		500.00
Kelker, George Edward		500.00
King, Ralph Edward, Jr.		500.00
Knight, Billie Lee		500.00
Lipscomb, Glen		500.00
Lonie, Conie Beatrice		500.00
Massar, Barbara Ann		500.00
Maxwell, Augustus Charles		500.00
Michael, Florine		500.00
Mitchell, Langston		500.00

Moody, Annie Mae	$	500.00
Moman, Brenda Lucille		500.00
Mossley, Earl H.		500.00
O'Neal, Eddie Sylvester		500.00
O'Neal, Helen Jean		500.00
Outley, Jessie		500.00
Owens, James Edward		500.00
Pittman, James Lee		500.00
Raymond, George, Jr.		500.00
Reed, Sonny (Josiah)		500.00
Rutledge, Stephen		500.00
Salter, John Randall		500.00
Shnapper, Melvin		500.00
Shlaughter, Thelma Marie		500.00
Smith, John Daniel		500.00
Thomas, Eddie Jean		500.00
Trumpauer, Joan Harris		500.00
Warner, Sirlester		500.00
Watkins, Hezekiah		500.00
Williams Jimmie		500.00
Wright, Mercedes Anita		500.00
Adams, Frankie Mae		225.00
Adams, Frankie Mae		225.00
Adkins, Milton		225.00
Allen, Eloise		225.00
Anderson, Douglas L.		225.00
Armon, Alfred D.		225.00
Bailey, Doris M.		225.00
Baldwin, Lavera Dell		225.00
Banyard, Pauline		225.00
Barnes, Ethel D.		225.00
Bass, Robert Earl		225.00
Beard, Tom Howard		225.00
Bell, Jimmie Lee		225.00
Bell, Patricia Ann		225.00
Berry, Robert Earl		225.00

Billingsley, Robert	$ 225.00
Blackwell, Velveyn	225.00
Bracey, Doris	225.00
Bradley, Morris M.	225.00
Bradley, Wayne	225.00
Bradley, Wayne	225.00
Branch, Clarence	225.00
Brantley, Francis J.	225.00
Brewer, Jeraldine	225.00
Brown, Benjamin	225.00
Brown, Benjamin	225.00
Brown, Benjamin	225.00
Brown, Chester Lee	225.00
Brown, Douglas, Jr.	225.00
Brown, Racy, Jr.	225.00
Burkett, Patricia Nell	225.00
Burns, Laura Evonne	225.00
Butler, John W.	225.00
Calloway, Steve	225.00
Campbell, Margarette A.	225.00
Cannon, William Perry	225.00
Carter, Evelyn	225.00
Caston, Curtis B.	225.00
Catchings, Tommie Lee	225.00
Chaffee, Lois C.	225.00
Chaffee, Lois C.	225.00
Chaplan, Thelma L.	225.00
Cheatham, Henry	225.00
Cheatham, Henry	225.00
Christian, Hilda Lea	225.00
Clark, Rubestine Meachem	225.00
Cobbs, Curtis A.	225.00
Coleman, Frederick	225.00
Collier, James B.	225.00
Collins, Scott	225.00
Corban, Bennie, Jr.	225.00

Craft, Ida Lena	$ 225.00
Crump, Willie D.	225.00
Currie, Barbara F.	225.00
Davis, Charlie	225.00
Davis, Geraldine	225.00
Davis, Roosevelt	225.00
Davis, Sylvia	225.00
Denkins, Jerry	225.00
Denkins, Jerry	225.00
Dickey, Frank Charles	225.00
Dixon, Morris L.	225.00
Dixon, Morris Lovett	225.00
Dixon, Morris Lovett	225.00
Dudley, James W.	225.00
Dudley, James W.	225.00
Dupree, Russell William	225.00
Durham, Ellawead	225.00
Edwards, Emmett L.	225.00
Epps, Diane	225.00
Evans, Willie R.	225.00
Fleming, Ben, Jr.	225.00
Flemmings, Eugene	225.00
Florence, Dorothy	225.00
Forrest, Thomas B.	225.00
Foster, Clarence H.	225.00
Frazier, Dorrise	225.00
Fridge, Ella M.	225.00
Funches, Josephine	225.00
Gardner, Frank, Jr.	225.00
Gibson, Jerelean	225.00
Gillon, Marion Leroy	225.00
Graham, Paul	225.00
Graham, Paul	225.00
Gray, Louis	225.00
Gray, M. T.	225.00
Gray, Robert	225.00

Green, Dave	$ 225.00
Griffin, Rozenne	225.00
Griggs, Allen	225.00
Greggs, Sally	225.00
Hales, Johnnie E.	225.00
Hall, Weldon	225.00
Hamilton, Deloris	225.00
Hamilton, Jerry W.	225.00
Harris, Jessie	225.00
Hartfield, James L.	225.00
Haynes, Barbara J.	225.00
Henry, Charles	225.00
Henry, Charles	225.00
Henry, Theodore, Jr.	225.00
Henry, Theodore	225.00
Herring, James Earl	225.00
Herring, James E.	225.00
Herron, Joseph S.	225.00
Hopkins, Zelma Rudolph	225.00
Hopson, Bill J.	225.00
Horn, Andrew	225.00
Horn, Henry	225.00
Horn, Henry	225.00
Hossiey, Earl H.	225.00
Hough, Mattie L.	225.00
Howard, Phillip	225.00
Howard, Phillip	225.00
Huff, Emanuel L.	225.00
Irvin, Jimmie Lee	225.00
Irvin, Jimmie Lee	225.00
Island (Eiland) Minnie J.	225.00
Jackson, Albert C.	225.00
Jackson, Clifton	225.00
Jackson, Johnnie E.	225.00
Jackson, Johnnie E.	225.00

Jackson, Robert	$	225.00
Jasper, Billy		225.00
Jenlons, Laura May		225.00
Johnson, Betty J.		225.00
Johnson, Henry		225.00
Johnson, Henry M.		225.00
Johnson, Henry Mitchell		225.00
Johnson, John A.		225.60
Johnson, William Earl		225.00
Johnson, Willie Kenneth		225.00
Johnston, Aaron P.		225.00
Jones, Cornelius, Jr.		225.00
Jones, Walter H.		225.00
Jones Willie		225.00
Kincade, Tom, Jr.		225.00
Kirk, Freddie L.		225.00
Lapsky, Carrie Dean		225.00
Lee, Allen		225.00
Lee Tommie C.		225.00
Lewis, Dorothy Jean		225.00
Lewis, John H.		225.00
Lewis, John H.		225.00
Lewis, Pearlena		225.00
Liddell, Lewis		225.00
Liddell, Lewis		225.00
Livingston, Marvin, Jr.		225.00
Livingston, Marvin, Jr.		225.00
Lonie, Connie Beatrice		225.00
Lyons, Jerry		225.00
Lyons, Jerry Dean		225.00
Lyons, Joseph C.		225.00
Ludden, Willie Ben		225.00
Marshall, Wiley		225.00
Mason, Henry		225.00
Mitchell, Langston		225.00

Mitchell, James Emmit	$	225.00
Montgomery, T. C.		225.00
Montgomery, T. C.		225.00
Moody, Annie Mae		225.00
Moman, Brenda L.		225.00
McCullar, Earnest Howard		225.00
McCune, Frank B., Jr.		225.00
McDougle, Algie		225.00
McGee, Lannell		225.00
McGee, Theodore R.		225.00
McGee, Theodore R.		225.00
McLaurin, Julius Lee		225.00
McLin, Johnny J.		225.00
McNair, Joyce Inez		225.00
Newsome, Elma Lucille		225.00
O'Neal, Helen		225.00
Odom, [illegible]bert		225.00
Odom, Albert		225.00
Odom, Robert Lee		225.00
Oliver, Willie J.		225.00
Outley, Curtis		225.00
Outley, Jessie		225.00
Palmer, Will Levi		225.00
Palmer, Will Lewis, Jr.		225.00
Palmer, Will Lewis, Jr.		225.00
Peace, Marva N.		225.00
Pearson, Harold Joseph, Jr.		225.00
Pearson, Terry L.		225.00
Perkins, Harry E.		225.00
Perkins, James Jr.		225.00
Peterson, Edward Clarence		225.00
Phillips, West David		225.00
Phillips, West David		225.00
Poole, Betty Ann		225.00
Price, Lynda L.		225.00

Puckett, Louvenia	$ 225.00
Puckett, Louvenia	225.00
Rand, Otis	225.00
Reginal, Thelma Jene	225.00
Riley, Barbara J.	225.00
Roberson, Lorraine	225.00
Roberts, Howard	225.00
Robinson, Israel, Jr.	225.00
Robinson, Wilican Thomas	225.00
Robinson, Jeanette	225.00
Rollins, Dennis	225.00
Rucker, Geneva	225.00
Russell, James	225.00
Rutledge, Stephen	225.00
Rutledge, Stephen	225.00
Salter, Charles	225.00
Salters, John Randall, Jr.	225.00
Samuel, Loree	225.00
Sanders, Helen	225.00
Saulter, John R.	225.00
Saulter, John R.	225.00
Shaffers, Carlos, Jr.	225.00
Shaffer, Carlos D.	225.00
Sherrod, John T.	225.00
Simmons, Walter	225.00
Simmons, Walter	225.00
Smith, Artharine	225.00
Smith, Mary L.	225.00
Smith, Patricia Rose	225.00
Smoot, Tommy	225.00
Spann, Alex	225.00
Spann, Isaac	225.00
Spann, Alex	225.00
Stamps, James	225.00
Stamps, Martenia	225.00
Stamps, Mike Arthur	225.00

Stevenson, Cedilia	$ 225.00
Stevenson, Nenner Lee	225.00
Summers, Timothy	225.00
Terrell, Edward L.	225.00
Terry, James Douglas	225.00
Thomsa, Eddie Jean	225.00
Thomas, Vera May	225.00
Thomasm Willean Robinson	225.00
Thompson, Lee R.	225.00
Thompson, Lee Roy, Jr.	225.00
Thompson, Leora	225.00
Thompson, Marie Mattie	225.00
Thompson, Willie Earl	225.00
Tibbs, Freddie Lee	225.00
Tolliver, James	225.00
Townsend, Ezell	225.00
Tucker, Joe Louis	225.00
Veal, Eugene	225.00
Wansley, Eddie	225.00
Ward, Sammie Lee	225.00
Ward, Sammie Lee	225.00
Washington, George A.	225.00
Washington, Thomas	225.00
Wells, Fred D., Jr.	225.00
White, James H.	225.00
Williams, Betty Jean	225.00
Williams, James W. Jr.	225.00
Williams, Jessie	225.00
Williams, John Herman	225.00
Williams, Josetta	225.00
Williams, Perry Edwin	225.00
Williams, Walter	225.00
Wilson, Henry, Jr.	225.00
Woods, Thomas J., Jr.	225.00
Yarn, Douglas Buford	225.00
Yarn, Roy Chester	225.00
	$86,900.00

Bond Forfeitures

Buckley, Cassey	$ 100.00
Burton, Willie	100.00
Bradley, Charles	300.00
Chapman, Randall	100.00
DuPree, Russell W.	100.00
Draper, Rosa	100.00
Fry, Clara Mae	100.00
Gaston, Robert Lee	100.00
George, Pearl L.	100.00
Gill, Emma D.	100.00
Herron, Tucker	200.00
Jones, James Wilson	200.00
King, Ralph Edwin	100.00
Ladner, Doris	100.00
Liddell, Lewis	100.00
Michael, Bishop	300.00
Moore, Jessie	100.00
Nemeri, Peter	100.00
Oliver, Willie	100.00
Salter, John R.	100.00
Smith, Inez	300.00
Withers, Earnest	100.00
Williams, Lineur	150.00
Young, Kenneth	140.00
	$ 3,400.00

Bonds Posted in City Court

Brown, James	$ 100.00
Evers, Medgar	1,000.00
Richards, Lucian	100.00
Wilcher, Helen	1,000.00
Wilkins, Roy	1,000.00

Recapitulation

Appeal Bonds	$86,900.00
Bonds Posted in City	3,200.00
Forfeitures	3,400.00
	$93,500.00

Bond Receipts

5-27-63—Mrs. Essie Randall	$ 7,000.00
5-27-63—John W. Dixon	4,000.00
5-30-63—John W. Dixon	1,000.00
5-31-63—John W. Dixon	14,000.00
6- 3-63—John W. Dixon	10,000.00
6- 4-63—John W. Dixon	10,000.00
6- 4-63—N. A. A. C. P.	25,000.00
6-13-63—N. A. A. C. P.	5,000.00
6-13-63—N. A. A. C. P.	5,000.00
6-13-63—N. A. A. C. P.	4,000.00
6-13-63—N. A. A. C. P.	1,000.00
6-13-63—N. A. A. C. P.	1,000.00
6-13-63—N. A. A. C. P.	1,000.00
6-13-63—N. A. A. C. P.	1,000.00
6-13-63—N. A. A. C. P.	1,000.00
6-14-63—N. A. A. C. P.	14,000.00
6-22-63—N. A. A. C. P.	17,000.00
Total	$193,700.00

Recapitulation

Total Receipts	$193,700.00

Disbursements

County Appeal Bonds ..	$86,900.00	
City Bonds	3,200.00	
Forfeitures	3,400.00	
Expenses	2,396.17	
	$95,896.17	$ 95,896.17
Balance on Hand as of July 15, 1963		$ 7,803.83